



**TURFE & GARCÍA** PLLC  
ATTORNEYS & COUNSELORS

September 27, 2011

**Michigan Senate Sub-Committee  
Lansing, MI  
Via Hand Delivery**

**RE: Proposed Construction of Detroit River International Crossing**

**Chairman Kowall:**  
~~Dear Chairperson:~~

I am proud to represent five, Community Based Organizations in a litigation pending in federal court, opposing the Federal Highway Administration and its local Administrator's decision to approve construction of the Detroit River International Crossing (DRIC) in the Delray neighborhood of Southwest Detroit. The Community Plaintiffs are all based in Southwest, and they include Latin Americans for Social and Economic Development (LA SED), Mana de Metro Detroit, Detroiters for Progress, Detroit Association of Black Organizations, and Citizens with Challenges. Their opposition to the DRIC is an opposition to environmental injustice, whereby disadvantaged communities are exploited as the targets for projects that have devastating environmental impacts which better heeled communities will not tolerate.

The demographic figures contained in the Federal Highway Administration (FHWA)'s Final Environmental Impact Study (FEIS) demonstrate why Delray is such an easy target for this kind of exploitation. According to the FEIS, Delray has a population that is 28% White; 9.3% African American; and 58.3% Hispanic. Furthermore, "In 2000, the Census recorded 12,447 households in the Delray Study Area, and people in about 32 percent of them live below the poverty level." *Id.* Put simply, the residents of Delray are poor Hispanics, and as such, they are the people least capable of opposing the toxic effects of a project like the DRIC.

United States Presidents from Nixon to Clinton have signed legislation and have issued executive orders designed to protect underprivileged communities like Delray from "adverse human health or environmental effects" such as those associated with the DRIC. Furthermore, all sorts of federal regulations ranging from directives out of the Department of Transportation to Title VI of the Civil Rights Act of 1964 require protection for sensitive communities like Delray, lest they be exploited because of their relative powerlessness. The tradition of protecting less fortunate communities from becoming the dumping grounds of more powerful and affluent areas is known as Environmental Justice (or, "EJ" for short), and it is as American as apple pie.

The FHWA admits that building the DRIC in Delray will, "have an adverse effect on EJ and Title VI population groups." *Id.* There is no evidence that FHWA gave adequate consideration to majority communities as alternative locations for the DRIC, as required by law,

or that the federal government gave adequate deference to Environmental Justice doctrines and principles. Rather, the sequence and timing of events involved in Delray's selection suggest that this poor, Hispanic neighborhood of Southwest Detroit was selected precisely because it was not as white as the downriver communities originally discussed as possible locations for the DRIC.

For example, consider that in October of 2005, then Governor Jennifer Granholm announced that the DRIC would be footed in Delray rather than in any of the downriver areas previously considered. More than a month *later*, the FHWA's local administrator announced that the government's thorough investigation of the matter had shown Delray to be a preferred alternative when compared to all other sites. All of this occurred years before the government completed its Community Inventory Technical Report and/or its Cumulative Impact Analysis. It happened more than three years before the FHWA released its Final Environmental Impact Study.

The bottom line is that Delray was unfairly selected as the target for the DRIC. Michigan's legislators, and perhaps this sub-committee, represent Southwest Detroit's last chance to avoid catastrophic loss as the result of its racial make-up and poor, socio-economic standing. Someone must serve as the government's conscience, to insure that powerful players like the FHWA and its director abide by official policies, even when those policies prove inconvenient or less than politically expedient.

Sincerely,

*Lawrence T. García*

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